

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ADAM NEIBAUER,

Plaintiff,

v.

Case No. 19-cv-0944-bhl

MATTHEW LEBOUTON,

Defendant.

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**DECISION AND ORDER**

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Plaintiff Adam Neibauer is representing himself in this 42 U.S.C. §1983 case. On November 13, 2020, Defendant moved for summary judgment on the ground that Neibauer failed to exhaust the available administrative remedies before he initiated this lawsuit. Dkt. No. 20. A few days later, the Court notified Neibauer that he was required to file his materials in response to the motion by December 14, 2020. Dkt. No. 24. The Court warned him that failure to respond by the deadline was sufficient cause for the Court to grant the motion. On December 16, 2020, at Neibauer's request, the Court extended his deadline to respond to January 15, 2021. Dkt. No. 26. The Court again warned Neibauer that, if he failed to respond to the motion, the Court would grant the motion.

The deadline has passed, and Neibauer did not respond to Defendant's motion. Accordingly, the Court will grant Defendant's motion and dismiss this case.

**IT IS THEREFORE ORDERED** that Defendant's motion for summary judgment on exhaustion grounds (Dkt. No. 20) is **GRANTED** and this case is **DISMISSED without prejudice**. The Clerk will enter judgment accordingly.

Dated at Milwaukee, Wisconsin this 26th day of January, 2021.

BY THE COURT:

*s/ Brett H. Ludwig*

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BRETT H. LUDWIG

United States District Judge